

AMENDED IN SENATE MARCH 24, 2011

SENATE BILL

No. 887

Introduced by Senator Emmerson

February 18, 2011

An act to ~~amend Section 19311 of the Food and Agricultural~~ add and repeal Article 1.5 (commencing with Section 42608) of Chapter 9 of Part 24 of Division 3 of Title 2 of the Education Code, relating to ~~rendering~~ education finance, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 887, as amended, Emmerson. ~~Rendering.~~ *Education finance: Streamlined Temporary Mandate Process Act of 2011.*

(1) *Under the California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on a local government, including school districts and other local educational agencies, the state is required to provide a subvention of funds to reimburse the local government for the costs of the program or increased level of service, with specified exceptions.*

This bill would enact the Streamlined Temporary Mandate Process Act of 2011 to be a voluntary, temporary, streamlined alternative mandate reimbursement process for local educational agencies, as defined, to be in operation from the 2011–12 fiscal year to the 2014–15 fiscal year, inclusive.

The bill would list 38 mandates currently applicable to local educational agencies that would be suspended for the 2011–12 fiscal year to the 2014–15 fiscal year, inclusive. The bill would further provide that a local educational agency choosing to participate in the streamlined temporary mandate process would annually self-certify

that it has complied with all statutes and regulations underlying the operation of the mandates to which the bill applies, except for any requirements regarding compliance and claiming issues. The bill would require that a participating local educational agency be found by an auditor to be in compliance with the requirements of the bill.

The bill would require that funding for the streamlined temporary mandate process be based upon an equal amount per unit of prior-year enrollment for each of the participating local educational agencies, with the funding level to be determined by an appropriation made in the annual Budget Act. The bill would require that there be an appropriation, of no less than an unspecified amount, in each annual Budget Act during the term of this bill that would be adequate to encourage participation by eligible local educational agencies in the streamlined temporary mandate process.

The bill would require the Superintendent of Public Instruction to establish and convene a task force, including specified membership, charged with developing a permanent state process for mandate reimbursement that is cost effective for local educational agencies and responsive to state policy goals.

These provisions would become inoperative on July 1, 2015, and would be repealed on January 1, 2016.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law requires any renderer who operates vehicles for the purpose of collecting inedible kitchen grease to register as a transporter of inedible kitchen grease and to otherwise comply with other provisions of existing law governing the transportation of inedible kitchen grease.~~

~~This bill would make a technical, nonsubstantive change to that provision.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~^{yes}. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) *This act shall be known, and may be cited,*
- 2 *as the Streamlined Temporary Mandate Process Act of 2011.*
- 3 (b) *The Legislature hereby finds and declares all of the*
- 4 *following:*
- 5 (1) *Local educational agencies and state agencies in California*
- 6 *are facing unprecedented fiscal constraints, and therefore all*

1 *administrative and fiscal capabilities need to be focused during*
2 *this fiscal crisis upon only the most crucial priorities.*

3 *(2) The cost of complying with the state's current complex*
4 *mandate process diverts administrative and fiscal resources from*
5 *more important priorities, such as the direct support of pupil*
6 *learning.*

7 *(c) It is the intent of the Legislature in enacting the Streamlined*
8 *Temporary Mandate Process Act of 2011 to establish a voluntary,*
9 *temporary, streamlined alternative mandate reimbursement process*
10 *for local educational agencies eligible for mandate reimbursement*
11 *as of June 30, 2011, and to provide for the self-certification, with*
12 *independent oversight, of participant local educational agencies*
13 *in order to meet compliance standards.*

14 *SEC. 2. Article 1.5 (commencing with Section 42608) is added*
15 *to Chapter 9 of Part 24 of Division 3 of Title 2 of the Education*
16 *Code, to read:*

17
18 *Article 1.5. Streamlined Temporary Mandate Process Act of*
19 *2011*
20

21 *42608. (a) Notwithstanding any other provision of law,*
22 *commencing on July 1, 2011, and continuing until June 30, 2015,*
23 *all statutory and regulatory requirements for the following*
24 *mandates shall be suspended, which mandates are also listed and*
25 *described as State Mandated Cost Programs for school districts*
26 *on the Controller's Internet Web site:*

27 *(1) Agency Fee Mandates (Section 3546 of the Government*
28 *Code).*

29 *(2) AIDS Prevention I and II (Chapter 5.6 (commencing with*
30 *Section 51930) of Part 28 of Division 4).*

31 *(3) Annual Parent Notifications:*

32 *(A) Interdistrict Transfer Requests: Parent's Employment*
33 *(subdivision (h) of Section 48980).*

34 *(B) Pupil Attendance Alternatives (subdivision (h) of Section*
35 *48980).*

36 *(C) Specific Education Code requirements (subdivision (a) of*
37 *Section 48980).*

38 *(D) Schoolsite Discipline Rules (Section 35291).*

39 *(E) Alternative Schools (Section 58501).*

40 *(F) Staff Development (subdivision (c) of Section 48980).*

- 1 (G) 1998–2000 Statutes (subdivisions (e), (j), and (k) of Section
2 48900 and subdivision (k) of Section 49063).
- 3 (4) California State Teachers’ Retirement System Service Credit
4 (subdivision (b) of Section 22455.5, Section 22460, subdivision
5 (a) of Section 22509, subparagraph (A) of paragraph (1) of
6 subdivision (a) of Section 22718, Section 22724, and subdivision
7 (e) of Section 22852).
- 8 (5) Caregiver Affidavits (subdivision (d) of Section 48204, as
9 operative on July 1, 2012, and Sections 6550 and 6552 of the
10 Family Code).
- 11 (6) Charter Schools I-III (subdivisions (a) and (b) of, former
12 paragraphs (1) to (3), inclusive, of subdivision (j) as they existed
13 on January 1, 1993, of, and paragraph (3) of subdivision (k) of,
14 Section 47605, Section 47605.5, subdivisions (a) and (b) of Section
15 47607, and Sections 47614 and 47635).
- 16 (7) Collective Bargaining (Chapter 10.7 (commencing with
17 Section 3540) of Division 4 of the Government Code).
- 18 (8) Comprehensive School Safety Plans (Sections 32282 to
19 32288, inclusive).
- 20 (9) County Office of Education Fiscal Accountability Reporting
21 (Section 1240).
- 22 (10) Criminal Background Checks I and II (Sections 44332.6,
23 44830.1, 44830.2, 45122.1, 45125, 45125.1, and 45125.2).
- 24 (11) Differential Pay and Reemployment (Sections 44977 and
25 44978.1).
- 26 (12) Expulsion Transcripts (Section 48921).
- 27 (13) Financial and Compliance Audits (Sections 1040, 14504,
28 14505, subdivisions (i), (j), (k), (l), (n), and (o) of Section 41020,
29 and Sections 41020.2 and 41020.3, and the State Controller’s
30 Office Standards and Procedures for Audits of California K–12
31 Local Educational Agencies).
- 32 (14) Graduation Requirements (Section 51225.3).
- 33 (15) Habitual Truants (Sections 48262 and 48264.5).
- 34 (16) High School Exit Exam (Sections 60850, 60851, 60853,
35 and 60855 of this code, and Sections 1200 to 1225, inclusive, of
36 Title 5 of the California Code of Regulations).
- 37 (17) Immunization Records (Chapter 1176 of the Statutes of
38 1977).

- 1 (18) *Immunization Records-Hepatitis B* (Section 48216 of this
2 code, Sections 120325, 120335, 120340, and 120375 of the Health
3 and Safety Code).
- 4 (19) *Intradistrict Attendance* (subdivision (b) of Section
5 35160.5).
- 6 (20) *Juvenile Court Notices II* (Section 827 of the Welfare and
7 Institutions Code).
- 8 (21) *Law Enforcement Agency Notifications* (subdivision (c) of
9 Section 48902).
- 10 (22) *Missing Children* (Sections 38139 and 49370).
- 11 (23) *Notification to Teachers of Mandatory Expulsion* (Sections
12 48900 (excluding subdivision (h)), 48900.2, 48900.3, 48900.4,
13 48900.7, and 49079).
- 14 (24) *Notification of Truancy* (Section 48260.5).
- 15 (25) *Physical Education Reports* (Section 51210.1).
- 16 (26) *Physical Performance Tests* (Section 60800).
- 17 (27) *Pupil Health Screening* (Sections 124100 and 124105 of
18 the Health and Safety Code).
- 19 (28) *Pupil Promotion and Retention* (Sections 37252, 37252.2,
20 48070, and 48070.5).
- 21 (29) *Pupil Residency Verification and Appeals* (Sections 48204.5
22 and 48204.6)).
- 23 (30) *Pupil Safety Notices* (Sections 32242, 32243, 32245,
24 46010.1, 48904, 48904.3, and 48987 of this code, and Section
25 18285 of the Welfare and Institutions Code).
- 26 (31) *Pupil Suspensions, Expulsions, and Expulsion Appeals*
27 (subdivisions (b) and (e) of Section 48911, subdivisions (a) and
28 (b) of Section 48915, and Sections 48915.1 48915.2, 48916, 48919,
29 and 48921 to 48924, inclusive).
- 30 (32) *Removal of Chemicals* (Section 49411).
- 31 (33) *School Accountability Report Cards* (Sections 33126 and
32 33126.1).
- 33 (34) *School District Fiscal Accountability Reporting* (Sections
34 42100, 42127, 42127.5, 42127.6, 42128, and 42131 of this code,
35 and Section 3540.2 of the Government Code).
- 36 (35) *School District Reorganization* (Sections 35704, 35705.5,
37 and 35707).
- 38 (36) *Scoliosis Screening* (Section 49452.5).
- 39 (37) *Stull Act* (Article 11 (commencing with Section 44660) of
40 Chapter 3 of Part 25).

1 (38) *Teacher Incentive Program (Article 13 (commencing with*
2 *Section 44395) of Chapter 2 of Part 25).*

3 **(b)** *Apart from the streamlined temporary mandate process*
4 *described in Section 42608.3, there shall be no appropriation in*
5 *the annual Budget Act for the 2011–12 fiscal year to the 2014–15*
6 *fiscal year, inclusive, for the programs listed in subdivision (a).*

7 **(c)** *For purposes of this article, a local educational agency is*
8 *a school district or a county office of education.*

9 42608.3. **(a)** *The streamlined temporary mandate process*
10 *established by this article shall serve participating local*
11 *educational agencies as a temporary and voluntary replacement*
12 *for the standard mandate reimbursement system in place on June*
13 *30, 2011. A local educational agency that is eligible for the*
14 *reimbursement of any of the mandates listed in subdivision (a) of*
15 *Section 42608 as of June 30, 2011, may choose to participate in*
16 *this program, and if it chooses to do so, it shall comply with this*
17 *section.*

18 **(b)** *A local educational agency that participates in the*
19 *streamlined temporary mandate process under this article shall*
20 *comply with all statutes and regulations underlying the operation*
21 *of the existing mandate programs listed in subdivision (a) of*
22 *Section 42608, as these statutes and regulations existed on June*
23 *30, 2011, with the exception of any requirements regarding*
24 *compliance and claiming issues, which shall be superseded by this*
25 *article.*

26 **(c)** *Participating local educational agencies shall annually*
27 *self-certify that they have met the requirements of this section at*
28 *a duly noticed meeting of the governing board.*

29 **(d)** *As part of its annual audit, a participating local educational*
30 *agency shall request a report from an auditor specifying that the*
31 *agency has either complied or not complied with this article. A*
32 *local educational agency that is found to be materially*
33 *noncompliant by its auditor twice during the term of the*
34 *streamlined temporary mandate process established by this article,*
35 *upon the occurrence of the second finding of noncompliance, shall*
36 *be excluded from further participation under this article, including*
37 *funding.*

38 **(e)** *Funding for each participating local educational agency in*
39 *each fiscal year from 2011–12 to 2014–15, inclusive, shall be*
40 *based upon an equal amount per unit of prior-year California*

1 *Basic Educational Data System (CBEDS) enrollment for each of*
2 *the participating local educational agencies, with the funding level*
3 *to be determined by the appropriation made in the annual Budget*
4 *Act as specified in subdivision (f). A local educational agency*
5 *without a prior-year CBEDS enrollment count shall utilize*
6 *current-year CBEDS enrollment for funding purposes under this*
7 *article.*

8 *(f) There shall be an appropriation in each annual Budget Act*
9 *during the term of this article that will be adequate to encourage*
10 *participation by all eligible local educational agencies in the*
11 *program established by this article. In no case shall the*
12 *appropriation for this purpose be less than _____ dollars (\$_____).*
13 *If the appropriation for purposes of this article in the annual*
14 *Budget Act is deferred, it is the intent of the Legislature that the*
15 *funding of this deferred amount from any amount available for*
16 *Proposition 98 expenditures shall have first priority in any given*
17 *fiscal year.*

18 *(g) The Superintendent shall establish and convene a task force*
19 *charged with developing a permanent state process for mandate*
20 *reimbursement that is cost effective for local educational agencies*
21 *and responsive to state policy goals. The task force shall include*
22 *representatives of the Department of Finance, the Legislative*
23 *Analyst's Office, and stakeholders in the public education*
24 *community.*

25 *42608.5. This article shall become inoperative on July 1, 2015,*
26 *and, as of January 1, 2016, is repealed, unless a later enacted*
27 *statute, that becomes operative on or before January 1, 2016,*
28 *deletes or extends the dates on which it becomes inoperative and*
29 *is repealed.*

30 *SEC. 3. This act is an urgency statute necessary for the*
31 *immediate preservation of the public peace, health, or safety within*
32 *the meaning of Article IV of the Constitution and shall go into*
33 *immediate effect. The facts constituting the necessity are:*

34 *In order to establish a streamlined temporary mandate*
35 *reimbursement process that will relieve the fiscal distress of*
36 *seriously impacted local educational agencies commencing with*
37 *the 2011–12 fiscal year, it is necessary that this act take effect*
38 *immediately.*

39 ~~SECTION 1. Section 19311 of the Food and Agricultural Code~~
40 ~~is amended to read:~~

- 1 ~~19311. Any renderer who operates vehicles for the purpose of~~
- 2 ~~collecting inedible kitchen grease shall register as a transporter of~~
- 3 ~~inedible kitchen grease and shall otherwise comply with this article.~~